

April 29, 2009

Municipal Permit Comments  
Washington State Department of Ecology  
Water Quality Program  
P.O. Box 47696  
Olympia, WA 98504-7696

Subject: Ecology Permit Modifications to the NPDES Phase II Municipal Stormwater General Permit – Review Comments

Dear Ecology Permit Staff:

The following is the City of Mount Vernon's comments regarding the proposed March 18, 2009 Permit Modifications to the Western Washington National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater General Permit. Mount Vernon suggests the following comments be considered in the modification as Ecology looks at the permit deadlines and requirements.

**Section S5.C.4 - Controlling Runoff from New Development, Redevelopment, and Construction Sites**

The Western Washington NPDES Phase II deadline for controlling runoff from new development, redevelopment, and construction sites (Section S5.C.4) should be extended to reflect the delays in the Phase I Equivalent Manual Adoption process. The Phase II adoption date should be no earlier than March 18, 2010 with an effective date of June 18, 2010. The current NPDES Phase II permit deadline for requirements to implement programs for controlling runoff from new development, redevelopment, and construction sites, under Section S5.C.4, is August 16, 2009.

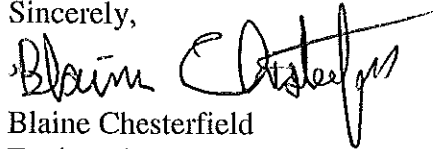
The original National Pollutant Discharge Elimination System Phase I Permit required Phase I jurisdictions to develop Equivalent Programs for Runoff Control by August 16, 2008. This would have allowed for a one-year time period between the Phase I jurisdictions' adoption of Equivalent Programs for Runoff Control, and the NPDES Phase II permit deadline. The NPDES Phase II jurisdictions could not proceed with the adoption of a NPDES Phase I jurisdiction's Equivalent Program for Runoff Control until Ecology had approved equivalency. This approval was not granted until March 18, 2009, as part of the proposed NPDES Phase I Permit Modification Process, and may not be formally approved until the completion of the NPDES Phase I Permit modification process.

Therefore, the City of Mount Vernon recommends that Ecology revise the National Pollutant Discharge Elimination System Phase II Permit deadline for all requirements, under section S5.C.4, for controlling runoff from new development, redevelopment, and construction sites to reflect the time period between August 16, 2008, and completion of the final modification process for the NPDES Municipal Stormwater General Permit, or no earlier than March 18, 2010 with an effective date of June 18, 2010.

The Western Washington NPDES Phase II Permit is an unfunded regulatory mandate that exceeds federal minimum requirements resulting in additional costs to permit holders. Due to the severe current economic recession the City of Mount Vernon is dealing with declining revenues and serious budget deficits. This has resulted in a reduction in staffing levels in 2009 which has had an effect on many of the City programs. We request that Ecology also consider this economic situation when modifying the deadlines associated with the programs in the NPDES Phase II Permit.

The City of Mount Vernon appreciates Ecology's staff and their efforts in working cooperatively to successfully complete the initial Phase II Permit cycle. If you have any questions about this comment letter, please contact me at (360)336-6204.

Sincerely,



Blaine Chesterfield  
Engineering Manager  
Program Coordination Division

CC: Esco Bell, Public Works Director  
Jana Hansen, Community and Economic Development Director  
Kevin Rogerson, City Attorney